



In re Application of:

Gerald W. FISCHER et al.

Group Art Unit: 1631

Serial No.: 09/893,615

Examiner: Marianne Allen

Filed: June 29, 2001

For: OPSONIC AND PROTECTIVE  
MONOCLONAL AND CHIMERIC  
ANTIBODIES SPECIFIC FOR  
LIPOTEICHOIC ACID OF GRAM  
POSITIVE BACTERIA

Commissioner for Patents and Trademarks  
Washington, DC 20231

**Sir:**

## RESPONSE TO RESTRICTION REQUIREMENT

In a restriction requirement dated October 3, 2002, the Examiner required restriction under 35 U.S.C. § 121 between Group I, claims 32-40 and 42-44, and Group II, claim 41. The sequences recited in claim 41 are the same as the sequences set forth in claims 36 and 37. Thus, Applicants do not believe that there is any undue burden on the Office to search this subject together with the subject matter of Group I. Nonetheless, Applicants provisionally elect to prosecute Group I, claims 32-40 and 42-44, drawn to a method for treating and preventing an infection by administering an antibody, with traverse.

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Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: November 1, 2002

By:   
Maryann T. Puglielli  
Reg. No. 52,138

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